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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KHRISTEN M. SANTOS, R.C.P.  
537 Glove Avenue, #2  
Chula Vista, CA 91910

Respiratory Care Practitioner License No. 25858  
Respondent.

Case No. R-2117

OAH No.

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 19, 2007, Complainant Stephanie Nunez, in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, filed Accusation No. R-2117 against KHRISTEN M. SANTOS, R.C.P. (Respondent) before the Respiratory Care Board.

2. On or about December 11, 2006, the Respiratory Care Board (Board) issued Respiratory Care Practitioner License No. RCP 25858 to Respondent. The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2010, unless renewed.

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1                   3.       On or about December 19, 2007, Andrea Pina, an employee of the Board,  
2 served by Certified Mail a copy of the Accusation No. R-2117, Statement to Respondent, Notice  
3 of Defense form (two copies), Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to respondent's address of record with the Board, which was and is 537  
5 Glove Avenue #2, Chula Vista, CA 91910. A copy of the Accusation, the related documents,  
6 and Declaration of Service are attached as Exhibit A, and are incorporated herein by reference.

7                   4.       Service of the Accusation was effective as a matter of law under the  
8 provisions of Government Code section 11505, subdivision (c).

9                   5.       As of January 28, 2008, the United States Post Office records show that an  
10 attempt was made to deliver the Accusation, along with all other applicable records, on  
11 December 22, 2007. The item remains unclaimed. Those records are attached as Exhibit B.

12                  6.       Government Code section 11506, subdivision (c), states:  
13 "The respondent shall be entitled to a hearing on the merits if the respondent files  
14 a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
15 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
16 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

17                  7.       Respondent failed to file a Notice of Defense within 15 days after service  
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
19 Accusation No. R-2117.

20                  8.       California Government Code section 11520, subdivision (a), states:  
21 "If the respondent either fails to file a notice of defense or to appear at the hearing,  
22 the agency may take action based upon the respondent's express admissions or upon other  
23 evidence and affidavits may be used as evidence without any notice to respondent."

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1                   9.       Pursuant to its authority under Government Code section 11520, the Board  
2 finds Respondent is in default. The Board will take action without further hearing and, based on  
3 Respondent's express admissions by way of default and the evidence before it, contained in  
4 exhibits A, B and C, finds that the allegations in Accusation No. R-2117 are true.

5                   10.       The Respiratory Care Board further finds that pursuant to Business and  
6 Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed  
7 for in the Accusation total \$1,106.00, based on the Certification of Costs contained in Exhibit C.

8   DETERMINATION OF ISSUES

9                   1.       Based on the foregoing findings of fact, Respondent Khristen M. Santos,  
10 R.C.P., has subjected her Respiratory Care Practitioner License No. RCP 225858 to discipline.

11                   2.       A copy of the Accusation and the related documents and Declaration of  
12 Service are attached.

13                   3.       The agency has jurisdiction to adjudicate this case by default.

14                   4.       The Respiratory Care Board is authorized to revoke Respondent's  
15 Respiratory Care Practitioner License based upon the following violations alleged in the  
16 Accusation:

17                                   a.       On or about May 16, 2007, respondent filled out patient charts for  
18 14 patients at her place of employment, El Dorado Care Center, indicating she had  
19 provided prescribed breathing treatments to those patients, when in fact she had not  
20 provided said treatments, in violation of Business and Professions Code section 3750,  
21 subdivisions (j) and (k).

22                   5.       Respondent is hereby ordered to pay the above costs of investigation and  
23 enforcement of this action.

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1 ORDER

2 IT IS SO ORDERED that Respiratory Care Practitioner License No. RCP 25858,  
3 heretofore issued to Respondent KHRISTEN M. SANTOS, R.C.P., is revoked.

4 Respondent is ordered to reimburse the Respiratory Care Board the amount of  
5 \$1,106.00, for its investigative and enforcement costs. The filing of bankruptcy by Respondent  
6 shall not relieve Respondent of her responsibility to reimburse the Board for its costs.  
7 Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all  
8 costs ordered under Business and Professions Code section 3753.5 have been paid.

9 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
10 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
11 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
12 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
13 statute.

14 This Decision shall become effective on March 24, 2008.

15 It is so ORDERED February 21, 2008

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17 Original signed by: \_\_\_\_\_

18 LARRY L. RENNER, BS, RRT, RCP, RPFT  
19 PRESIDENT, RESPIRATORY CARE BOARD  
20 DEPARTMENT OF CONSUMER AFFAIRS  
21 STATE OF CALIFORNIA  
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24 Attachments:

25 Exhibit A: Accusation No. R-2117, Related Documents, and Declaration of Service  
26 Exhibit B: USPS Record Of Mailing  
27 Exhibit C: Certification of Costs: Declaration of Douglas Lee  
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